

Article - Environment

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§15–504.

(a) (1) (i) A person may not conduct open–pit mining as an operator within the State without a currently valid license from the Department.

(ii) Each application for a license as an open–pit mining operator shall be made in writing to the Department, on a form the Department furnishes and accompanied by a \$200 fee. The application shall contain information concerning the applicant as required by the Department. In the case of an application submitted by a corporation, partnership, or association, the application shall contain information concerning officers, directors, and principal owners, as the Department requires.

(2) (i) Every person licensed as an open–pit mining operator shall renew the person’s license annually and pay a \$10 renewal fee.

(ii) The application for renewal of a license as an open–pit mining operator shall be made on or before January 1 of the next succeeding year.

(iii) The county fiscal authority shall notify the Department in writing by no later than December 15 of those open–pit mining operators who have not paid all of their county coal severance taxes and surcharges, including any interest and penalties for late payment, that are due through the previous month of November, as provided under §§ 20–301 through 20–303 and 20–308 of the Local Government Article and § 15–509 of this subtitle. The county fiscal authority shall send this notice of nonpayment to the affected operator at the same time that the county fiscal authority notifies the Department. In the absence of this notification, the Department shall presume that all coal severance taxes and surcharges, including any interest and penalties for late payment, have been paid. The Department may not renew a person’s open–pit mining operator’s license unless all of that person’s county coal severance taxes and surcharges, including any interest and penalties for late payment, that are due through the previous month of November have been paid.

(iv) If an open–pit mining operator provides the Department with written notification from the county fiscal authority which states that the open–pit mining operator has not paid all of the operator’s county coal severance taxes and surcharges, including any interest and penalties for late payment, as provided in paragraph (2)(iii) of this subsection, but the county and the operator have agreed on

a payment schedule, the Department may issue a license to the operator on the condition that the operator comply with the payment schedule.

(b) The Director of the Bureau shall investigate every application for a license or renewal. The Director may not issue any new open-pit mining operator's license or renew any existing license to any person or operator if the Director finds the applicant for licensure or renewal has failed to correct a violation of the rules and regulations established under this subtitle, or to comply with any of the provisions of this subtitle. If the applicant is a corporation, limited liability company, partnership, or association, the Director may not issue or renew the license if the Director finds that any officer, director, or principal owner of the corporation, limited liability company, partnership, or association, has previously failed and continues to fail to comply with any of the provisions of this subtitle, or if any officer, director, or principal owner is or has been an officer, director, or principal owner of any other corporation, limited liability company, partnership, or association, which has previously failed and continues to fail to comply with any of the provisions of this subtitle. The Director may not issue or renew any license to any person or operator who has forfeited any bond posted in connection with strip-mining activity in any state. If the applicant is a corporation, limited liability company, partnership, or association, the Director may not issue or renew the license if the Director finds that any officer, director, or principal owner of the corporation, limited liability company, partnership, or association, has previously forfeited any bond posted in connection with strip-mining activity in any state.

(c) (1) Any license held under this section may be suspended by the Department if: (i) due to persistent or repeated failure to comply with the requirements under this subtitle, permit revocation procedures under § 15-508(c) of this subtitle have been brought for any operation owned or controlled by the licensee; and (ii) continued operation by the licensee at any other location is determined by the Department to be a contributing factor in the failure to comply. For purposes of this paragraph, continued operation by the licensee at any other location shall include operation by the licensee directly, or operation by any corporation, limited liability company, partnership, or association of which the licensee is an officer, director, or principal owner, and which involves use of equipment or resources employed on the permit area in violation under this paragraph.

(2) The Department also may suspend the license of any corporation, limited liability company, partnership, or association that is found to be a contributing factor in the persistent or repeated failure to comply with the requirements under this subtitle, which failure caused the Department to bring permit revocation procedures under § 15-508(c) of this subtitle.

(3) (i) The Department shall provide a licensee with notice and an opportunity for a hearing before it may suspend a license under this subsection.

(ii) Unless stayed by the Department or by a reviewing court, any decision by the Department to suspend a license shall be effective immediately.

(d) A licensed operator shall notify the Department, on a form the Department furnishes, within 30 days of the date of any changes in officers, directors, principal owners, or resident agents. The Department shall investigate each new officer, director, principal owner, or resident agent in accordance with subsection (b) of this section. If the Department finds that any officer, director, principal owner, or resident agent is or has been an officer, director, principal owner, or resident agent of any other corporation, limited liability company, partnership, or association that has failed or continues to fail to comply with any provision of this subtitle, or has forfeited any bond posted in connection with strip-mining activity in any state, the Department shall notify the operator and require corrective action to be taken within 30 days. If the operator does not submit proof that corrective action has been taken, the Department shall suspend the operator's license. If corrective action is not taken prior to the expiration date of the license, the Department may not renew the operator's license.

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